

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 7361 of 2007(B)

PETITIONER:

**ANEES O.K., AGED 30, S/O.KUNJIRAMAN,
OTHAYOTH HOUSE, VELIYAMPAM P.O.,
SULTHAMBATHERY TALUK, WAYNAD DISTRICT.**

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENTS:

- 1. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, P.H. SUB DIVISION,
SULTHANBATHERY - 673 592.**
- 2. THE EXECUTIVE ENGINEER, WAYNAD DIVISION,
CHIEF CIRCLE, KOZHIKODE.**
- 3. THE MANAGING DIRECTOR, KERALA WATER
AUTHORITY, THIRUVANANTHAPURAM.**

BY ADV. SRI.C.UNNIKRISHNAN, SC, KWA.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.7361/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE INTERVIEW CARD SERVED ON THE PETITIONER DTD. 23/01/07 BY THE R.1.

EXT.P.2: COPY OF THE PAPER REPORT IN VARTHAMANAM DAILY DTD. 17/02/07.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 7361 of 2007-B

Dated this the 18th day of July, 2007.

J U D G M E N T

The petitioner was a candidate who was called for an interview, for appointment to the post of Pump Operator, on provisional basis. Ext.P1 dated 23-1-2007 is the call letter. The interview was to be held in the office of the Assistant Executive Engineer, Kerala Water Authority, Sultan Battery, at 9 a.m., on 14-2-2007. The petitioner submits, when he appeared, there was no arrangement for holding the interview. The venue was changed, without notice to him. Therefore, he could not participate in the interview. So, this writ petition is filed, seeking the following reliefs:

"i). Issue an appropriate writ, order or direction commanding the respondents not to make any appointment on temporary basis as is now sought to be made under Ext.P1 without conducting a proper interview in the interest of justice.

ii). Issue an appropriate writ, order or direction commanding the third respondent to conduct an investigation as to the act of the first respondent in conducting an interview in violation of the directions in Ext.P1 in the interest of justice."

2. The Kerala Water Authority has filed a counter affidavit in

which it is submitted that its officials were advised by the police that the interview will be disrupted by the activists of political parties. Therefore, to ensure a smooth conduct of the interview, the venue was shifted to a nearby building and the proceedings were under police protection. It is also submitted that 89 candidates who appeared on 14-2-2007 for the interview knew about the change of venue and attended the same. All of them received the information regarding the shifting of the venue of the interview. Therefore, the Kerala Water Authority submits that it is highly unbelievable that the petitioner has not received the information regarding the change of venue. It is also submitted that if the petitioner has personally attended the interview, in time, he would have been aware of the information of new venue. Therefore, the respondents pray for dismissal of the writ petition.

3. Heard. All the candidates who attended the interview were aware of the shifting of the venue to a nearby building in the very same town. So, the contention of the petitioner that he was not aware of the change and therefore, he could not attend the interview, having regard to the special facts of the case cannot be accepted. So, the Writ Petition fails, and it is dismissed.

**K.BALAKRISHNAN NAIR,
JUDGE.**

MS